

AFFIDAVIT of  
JOHN PATRICK CHALK

I, John P. Chalk, am over 18 years old and competent to be a witness.

1. I am not now, nor have ever been, Michael Hackley's or Michael Hackley Architects, P.C.'s, employee or partner. I do not now, nor have ever held, any kind of an ownership interest, or stock interest in Michael Hackley Architects, P.C., or in any business with Michael Hackley.

2. I was the subcontractor who drafted LVL X's plans for a space in Annapolis Mall during, or around, February, of 2002, for a space in Tyson's Corner Center during, or around, March, of 2002, and for space 1430 in Prince George's Plaza ("PGP") that is dated May 13, 2002.

3. There are no signed documents that were ever made between myself and Michael Hackley's or Michael Hackley Architects, P.C. relative to the aforesaid, or any other, plans.

4. *The General Notes* on the cover sheet for the Prince George's Plaza plans for space 1430 came from a computer disk CAD file that Michael Hackley told me was created by Michael Briles. Michael Hackley told me that he got the disk from Michael Briles. Michael Hackley gave me the computer disk and I used the CAD file to make these general notes on the cover sheet.

5. *Page A-1 of the PGP plans*: I prepared the "Door Schedule", the "Door & Frame Types", the "Hardware Schedule", the "Window Schedule", "Window Types", and the "Wall Type Details". Michael Hackley gave me tracing paper on which he had traced the base plan, or the outline of the space, for the store. Michael Hackley made an outline of where the cash wrap station would be and I put in the details of the cash wrap station using the above mentioned computer CAD disk that Michael Hackley told me was created by Michael Briles. Michael Hackley also traced in some lines for the dressing rooms and bath rooms and I put in specific details for these two areas. Michael Hackley drew a circle and the rectangular shapes (middle of the drawing) on the tracing paper. I made drawings for the reduced version of the store front appearing on this page.

6. *Page A-2 of the PGP plans:* The flooring, finish and paint specifications that are on the plans came from Michael Hackley. Etching "LVL X" and "Level 10" in the tile came from Michael Hackley. I made the reduced version of the store front from the larger version that I made.

7. *Page A-3 of the PGP plans:* Michael Hackley and the lighting consultant gave me the specifications for the lights and legend. The lighting consultant marked up the grid for the lights.

8. *Pages A-4 and A-5 of the PGP plans:* I made the drawings on pages A-4 and A-5.

9. *Page A-6 of the PGP plans:* Michael Hackley gave to me the heights for the side wall sections and then I made the drawings for those sections. Michael Hackley wrote down the mirror heights and put "LVL X" logos on them. The bathroom detail is a large version of what appears for the bathrooms else where on the plans. The cash wrap, as stated above, came from Michael Briles.

10. *Page A-7 of the PGP plans:* Other then the cash wrap, I made this page's drawings.

11. *Page A-8 of the PGP plans:* I made the top two drawings on this page. Michael Hackley sketched some of the decretive panel of the bottom of this page and I made the rest of this page.

12. *Pages E-1 through E-5 and M-1 through M3 of the PGP plans:* On information and belief, these pages were made by Earl F. McKinney. I emailed the lighting and floor plans to him.

13. Michael Hackley told me that he never gave LVL X a price before having me make a generic rendering for its store. Michael Hackley told me that he was going to pull LVL X's permit for the PGP store because LVL X did not pay for the rendering. Michael Hackley told me that LVL X had paid him for the PGP plans for space 1430 and he paid me for the PGP plans. Michael Hackley did not pay me for the rendering because he told me that LVL X had not paid him for them. In my opinion, Michael Hackley charging LVL X \$8,000 for the rendering is unreasonable. Michael Hackley never asked me for the amount of hours that I spent making the renderings.

I, John P. Chalk, hereby declare and affirm under the penalties of perjury and upon personal knowledge that he foregoing facts are true and correct.

  
John P. Chalk

1/20/03  
(Date)